

04-27-01

A

UTILITY PATENT APPLICATION TRANSMITTAL

Submit an original and a duplicate for fee processing
(Only for new nonprovisional applications under 37 CFR 1.53(b))

ADDRESS TO:

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Attorney Docket No. 1551

First Named Inventor Josh Zerlan

Express Mail No. EL604650590US

APPLICATION ELEMENTS

1. ☒ Transmittal Form with Fee
2. ☒ Specification (including claims and abstract) [Total Pages 21]
3. ☒ Drawings [Total Sheets 6]
4. ☒ Oath or Declaration [Total Pages]
 - a. ☒ Newly executed
 - b. ☐ Copy from prior application
[Note Boxes 5 and 18 below]
 - i. ☐ Deletion of Inventor(s) Signed statement attached deleting inventor(s) named in the prior application
5. ☐ Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Code Listing (See 1.96)
 - a. ☐ Microfiche Appendix
 - b. ☐ CD-Rom (in duplicate, with separate transmittal)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission
 - a. ☐ Computer Readable Copy
 - b. ☐ Paper Copy
 - c. ☐ Statement verifying above copies
8. ☐ Small Entity Status
 - ☐ is claimed
 - ☐ Statement filed in prior application; status still proper and desired
 - ☐ is no longer claimed.

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers
10. ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)
 - ☐ PTO-1449 Form
 - ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
16. ☒ A Request for non-publication pursuant to 35 USC 122(b)(2)(B)(i)
17. ☒ Other: Petition Under 37 C.F.R. 1.47(a) To Allow Signature on Behalf of Inventor Who Cannot Be Reached and check for Petition Fee.

18. ☐ This is a CONTINUING APPLICATION. Please note the following:

- a. ☐ This is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part of prior application
- b. ☐ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one claim must remain.)
- c. ☐ Amend the specification by inserting before the first line the sentence:
This is a ☐ continuation ☐ divisional ☐ continuation-in-part of application Serial No.
- d. ☐ The prior application is assigned of record to

UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 1551

APPLICATION FEES

BASIC FEE				\$ 710.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	22 -20=	2	x \$18.00	\$ 36.00
Independent Claims	3 - 3=		x \$80.00	\$
<input type="checkbox"/> Multiple Dependent Claims(s) if applicable			+\$270.00	\$
Total of above calculations =				\$ 746.00
Reduction by 50% for filing by small entity =				\$()
<input type="checkbox"/> Assignment fee if applicable			+\$40.00	\$ 40.00
TOTAL =				\$ 786.00

19. ☐ Please charge my Deposit Account No. 13-2490 in the amount of \$20. ☒ A check in the amount of \$786.00 is enclosed.

21. The Commissioner is hereby authorized to credit overpayments or charge any additional fees of the following types to Deposit Account No. 13-2490:

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☒ Fees required under 37 CFR 1.18.

22. The Commissioner is hereby generally authorized under 37 CFR 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 CFR 1.53 requiring an extension of time as incorporating a request therefor, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 13-2490 for any fee that may be due in connection with such a request for an extension of time.

23. CERTIFICATE OF MAILING

I hereby certify that, under 37 CFR § 1.10, I directed that the correspondence identified above be deposited with the United States Postal Service as "Express Mail Post Office to Addressee," addressed to the Asst. Commissioner for Patents, Box Patent Application, Washington, DC 20231, on the date indicated below.

24. USPTO CUSTOMER NUMBER



28005

PATENT TRADEMARK OFFICE

Sprint Corporation

25. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

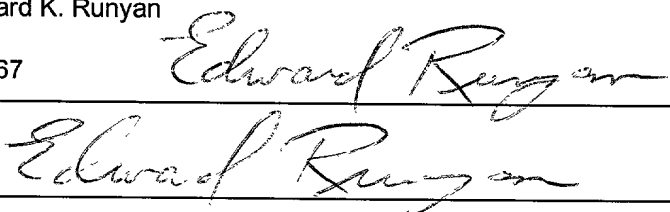
Name	Edward K. Runyan
Reg. No.	43,067
Signature	<i>Edward Runyan</i>
Date	April 25, 2001

UTIL (Rev. 11/21/00)

**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

Attorney Docket No. 1551
First Named Inventor Josh Zerlan
Express Mail Label No. EL604650590US

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Name	Sprint Corporation
Address	8140 Ward Parkway
City, State, Zip	Kansas City, Missouri 64114
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
Name	Edward K. Runyan
Reg. No.	43,067
Signature	
Date	April 25, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 1551)

In re the Application of:

Joshua R. Zerlan
Wei Kao

Examiner: not assigned

Group Art Unit:
not assigned

For: METHOD AND SYSTEM FOR
AUTOMATIC TESTING OF
NETWORK ELEMENTS

Commissioner for Patents
Washington, D.C. 20231

04/30/2001 EFLDRES 00000034 09842550

130.00 OP

FC:122

**PETITION UNDER 37 C.F.R. 1.47(a)
TO ALLOW SIGNATURE ON BEHALF OF
INVENTOR WHO CANNOT BE REACHED**

Dear Sir:

Pursuant to 37 C.F.R. § 1.47(a), Applicants respectfully request the Office to allow Joshua R. Zerlan to execute a Declaration for the above-captioned application on behalf of co-inventor Wei Kao, who cannot be reached to sign a Declaration for this application. In support of this Petition, Applicants state as follows:

1. Mr. Zerlan is the only inventor available to sign a declaration for the above-captioned application. As Mr. Kao cannot be reached after diligent effort, Mr. Zerlan has signed a declaration for this application on Mr. Kao's behalf. The signed declaration is attached hereto as exhibit A. Mr. Kao no longer works for Sprint PCS, the intended assignee of the invention.

2. The undersigned hereby declares that a diligent effort was made to reach Mr. Kao and obtain his signed declaration for this invention. The facts proving this effort are as follows:

04/30/2001 EFLDRES 00000034 09842550

03 FC:581

40.00 OP

- a. On February 6, 2001, a review copy of the application, along with a cover letter with instructions and a request for comment, was sent to Mr. Kao at his last known address. A copy of the cover letter is attached hereto as exhibit B.
- b. Mr. Kao did not return any of several messages left at his last known phone number to solicit comment on the February 6 draft, nor did he provide comments to the draft via mail or e-mail.
- c. On February 27, 2001, a final copy of the application, a Declaration and Power of Attorney, and an Assignment were sent to Mr. Kao via Federal Express, with a cover letter with instructions and a request to execute and return the documents by March 6, 2001. A copy of the cover letter and the Federal Express Airbill are attached hereto as exhibit C.
- d. Mr. Kao did not respond to the February 27 communication in any way.

3. Mr. Kao's last known address is 2357 Ridge Court, Apartment 66, Lawrence, Kansas 66046.

4. Pursuant to 37 C.F.R. §§ 1.47(a) and 1.17(i), Applicants submit herewith a check for the petition fee of \$130.

Respectfully submitted

**McDONNELL BOEHNEN
HULBERT & BERGHOFF**

Date: 4/25/01

By: Edward K. Runyan
Edward K. Runyan
Reg. No. 43,067